

**Comp.Appl.No.592 of 2016**  
**in**  
**CP.No.130 of 1999**

**RAJIV SHAKDHER, J.**

1. Issue notice. Mr.P.Atchuta Ramaiyah, learned Official Liquidator accepts notice. He says that he does not wish to file a reply.

1.1. Mr.Ramaiyah, also informs me that the claims of the company-in-liquidation, i.e. Anubhav Plantations, are being adjudicated upon.

2. This is an application filed by one Mr.G.Thiruvalluva Nainar seeking condonation of delay in filing his claim in the prescribed Form i.e. Form No.66.

2.1. In the application, it is stated that there is a delay of 37 days.

3. The applicant avers, qua, which there is no dispute, that the last date, notified by the Official Liquidator's office with regard to the filing of claims was 30.06.2015.

3.1. The applicant also avers that he had filed his claim in Form No.66, on 14.7.2015.

4. The record shows that the Official Liquidator's office, vide communication dated 07.10.2015, informed the applicant that his claim had been received on 16.7.2015, i.e., after the last date fixed for filing of claims, which, as indicated above, was 30.6.2015, and hence, could not be considered. Therefore, the delay, as stated by the applicant, is much more than 37 days.

5. Be that as it may, in paragraph 6 of the affidavit accompanying the application, the applicant has indicated that he could not file his claim earlier, as in the month of June 2015, he was staying with his son at Pollachi to get his wife treated for heart ailment.

5.1. It is further averred that he returned to his village only on 10.7.2015, when he received the communication from the Official Liquidator's office dated 09.6.2015, which had called upon him to file his claim on or before 30.6.2015.

5.2. It is also averred that vide a detailed letter dated 04.10.2015, he had explained the reasons for the delay to the Official Liquidator and sought condonation of delay.

5.3. The applicant avers that the letter dated 04.10.2015, was followed by a letter dated 04.12.2015.

5.4. Furthermore, the applicant says that he also sent a letter via his advocate dated 12.5.2016 for the same purpose.

6. The record shows that the Official Liquidator, vide communication dated 18.5.2016, referred to the applicant's letter dated 26.10.2015, indicated to him that he would have to approach the High Court for seeking condonation of delay.

7. It is in these circumstances that the applicant has approached this Court.

8. The aforestated circumstances would show that, though, the delay involved is more than 37 days, there appear to be genuine reasons on record which prevented the applicant from filing his claim before 30.06.2015.

8.1. Furthermore, given the fact that the claims are still under adjudication by the Official Liquidator's office, I am inclined to condone the delay.

9. The delay is accordingly condoned, subject to the applicant filing the claim, once again, in the prescribed Form, i.e Form No.66, along with original documents, within a period of two weeks from the date of receipt of a copy of this order.

10. The application is accordingly, disposed of.

**RAJIV SHAKDHER, J.**

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**12.07.2016**